



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Michael B. Zemel et al.

Appl. No. 10/827,353

Confirmation No. 2617

Filed: 20 April 2004

For : HIGH CALCIUM FOODSTUFFS FOR
WEIGHT LOSS

Art Unit : 1616

Examiner: Edward J. Webman

Atty. Docket No. 31894-199297

Customer No.

26694

PATENT TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

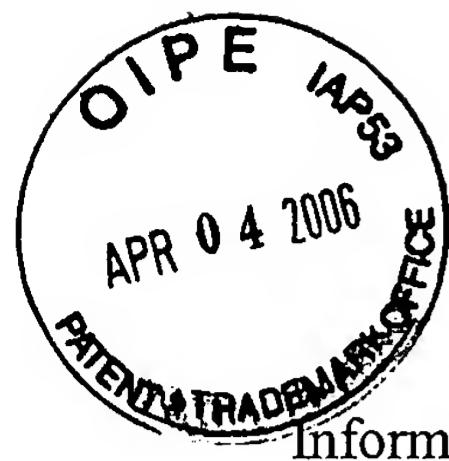
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO/SB/08A. Unless otherwise indicated herein, one copy of each non-patent reference is attached. It is respectfully requested that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue there from.

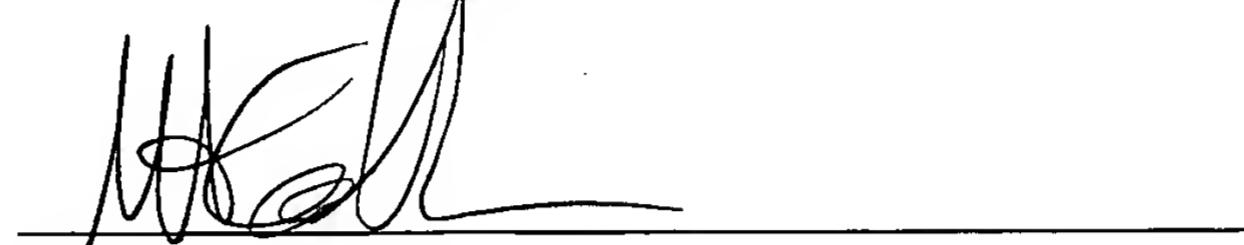
This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits. A fee of \$180 is enclosed.

04/05/2006 SZEWDIE1 00000155 220261 10827353
01 FC:1806 180.00 DA



Please charge any necessary fee or credit any overpayment in connection with this
Information Disclosure Statement to Deposit Account No. 22-0261.

Respectfully submitted,



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DC2-736444v1



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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/827,353 |
| Filing Date | 20 April 2004 |
| First Named Inventor | Michael B. Zemel |
| Examiner Name | Edward J. Webman |
| Art Unit | 1616 |
| Attorney Docket No. | 31894-199297 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
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 fee(s) under 37 CFR 1.16 and 1.17

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | <u>FILING FEES</u> | | <u>SEARCH FEES</u> | | <u>EXAMINATION FEES</u> | | |
|-------------------------|--------------------|---------------------|--------------------|---------------------|-------------------------|---------------------|-----------------------|
| | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fees Paid (\$)</u> |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

| | | |
|--|-----|-----|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> | <u>Fee (\$)</u> | <u>Small Entity Fee (\$)</u> |
|---------------------|---------------------|-----------------|----------------------|----------------------------------|-----------------|------------------------------|
| - 20 or HP | x | = | | | | |

HP = highest number of total claims paid for, if greater than 20.

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------|----------------------|
| - 3 or HP = | x | = | |

HP = highest number of total claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|
| - 100 = | /50 | (round up to a whole number) x | = | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

IDS

180.00

| <u>SUBMITTED BY</u> | | <u>Registration No.</u> | <u>Telephone</u> |
|---------------------|-------------------|-------------------------|------------------|
| Signature | | 31,957 | |
| Name (Print/Type) | Michael A. Gollin | Date 4/4/2006 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| Substitute for form 1449A/B/PTO | | | | Complete if Known | |
| | | | | Application Number | 10/827,353 |
| | | | | Filing Date | 20 April 2004 |
| | | | | First Named Inventor | Michael B. Zemel |
| | | | | Art Unit | 1616 |
| | | | | Examiner Name | Edward J. Webman |
| Sheet | 1 | of | 1 | Attorney Docket Number | 31894-199297 |

| U.S. PATENT DOCUMENTS | | | | | |
|------------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| AA | 4,027,043 | | 3/31/77 | Schroeder et al. | |
| AB | 6,403,657 | | 6/11/02 | Hinz | |
| AC | 5,158,310 | | 10/27/92 | Tannehill et al. | |
| AD | 6,159,530 | | 12/12/00 | Christiansen et al. | |
| AE | 5,698,222 | | 12/16/97 | Mazer et al. | |
| AF | | | | | |
| AG | | | | | |
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| AI | | | | | |
| AJ | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
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| NON PATENT LITERATURE DOCUMENTS | | | | | |
|--|-----------------------|---|--|--|--------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | ² |
| CA | | HIRSCH, "Got Milk? Getting Thinner?", <i>Express</i> , Tuesday, 19 July 2005, page 10. | | | |
| CB | | HERDICK et al., "Carboxylic Ester Antagonists of 1 α ,25-dihydroxyvitamin D ₃ Show Cell-Specific Actions" (Research Paper XP-001069553), <i>Chemistry & Biology</i> 2000, Vol.7 No.11, pp. 885-894. | | | |
| CC | | | | | |
| CD | | | | | |
| CE | | | | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Signature | Date Considered |
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